

Jeffrey F. Barr (NV Bar No. 7269)
8275 South Eastern Avenue, Suite 200
Las Vegas, NV 89123
(702) 631-4755
barrj@ashcraftbarr.com

Thomas R. McCarthy* (VA Bar No. 47145)
Gilbert C. Dickey* (VA Bar No. 98858)
Conor D. Woodfin* (VA Bar No. 98937)
1600 Wilson Boulevard, Suite 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com
gilbert@consovoymccarthy.com
conor@consovoymccarthy.com

Sigal Chattah (NV Bar No. 8264)
5875 S. Rainbow Blvd #204
Las Vegas, NV 89118
(702) 360-6200
sigal@thegoodlawyerlv.com

**Admitted pro hac vice*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REPUBLICAN NATIONAL COMMITTEE,
NEVADA REPUBLICAN PARTY, and SCOTT
JOHNSTON,

Plaintiffs,

v.

FRANCISCO AGUILAR, *in his official capacity
as Nevada Secretary of State*; LORENA
PORTILLO, *in her official capacity as the
Registrar of Voters for Clark County*; WILLIAM
“SCOTT” HOEN, AMY BURGANS, STACI
LINDBERG, and JIM HINDLE, *in their official
capacities as County Clerks*,

Defendants.

No. 2:24-cv-00518-CDS-MDC

**PLAINTIFFS’ RESPONSE
TO SECRETARY’S
MOTION FOR LEAVE TO
SUPPLEMENT
AUTHORITIES**

Arizona Alliance for Retired Americans v. Mayes confirms that Plaintiffs’
amended complaint raises at least a plausible inference that the Plaintiffs suffer a
concrete injury. No. 22-16490, __ F.4th __, 2024 WL 4246721 (9th Cir. Sept. 20, 2024).
Unlike organizations that pursue “intangible social interests” such as “ensuring equal

1 protection or safeguarding property rights,” *id.* at *6, the RNC and NVGOP’s interests
 2 are concrete: elect Republican candidates and turn out Republican voters. The
 3 Plaintiffs pursue real-world activities to advance that mission, such as “contacting
 4 voters who are not registered or eligible to vote,” and engaging in “voter-registration
 5 and get-out-the-vote initiatives.” Pls.’ Resp. to Sec’y Mot. to Dismiss (Doc. 108) at 7.
 6 They filed this lawsuit because the Defendants’ legal violations directly impede those
 7 activities and damage their ability to elect Republicans. *See* Am. Compl. ¶¶13-20, 23-
 8 26. Those allegations meet the Ninth Circuit’s recent holding clarifying *Havens*: the
 9 Plaintiffs engage in these “pre-existing core activities ... apart from [their] response
 10 to [the] governmental action.” *Ariz. All.*, 2024 WL 4246721, at *2.

11 In fact, *Arizona Alliance* tracks Plaintiffs’ standing arguments in response
 12 Nevada Alliance for Retired Americans’ intervention in this case. The Plaintiffs
 13 argued that the intervenors’ interests in preventing *others* being removed from the
 14 voter rolls was speculative and remote. *See* Pls.’ Obj. (Doc. 85) at 7-9. While this Court
 15 held that those interests were sufficient for intervention, the Ninth Circuit held that
 16 they are insufficient to show Article III standing. The Arizona Alliance lacked
 17 standing because “[t]he only harm” it offered was “the potential diversion of resource
 18 to remind people of the far-fetched possibility that the registrar of voters may
 19 somehow mistakenly or maliciously cancel their new voting registration form if they
 20 had earlier registered elsewhere.” *Arizona All.*, 2024 WL 4246721, at *11. In contrast,
 21 the Plaintiffs’ injuries here do not rely on predicting what might happen to their
 22 members. They allege that Defendants’ NVRA violations harm the Plaintiffs’
 23 organizational activities *right now*. Those violations make it more difficult to register
 24 voters, turn out Republicans to vote, and elect Republican candidates, which are
 25 “already-existing core activities.” *Id.* at *8.

26 Thus, this case is like *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).
 27 Like HOME, the Plaintiffs here pursue a real-world mission. HOME sought to provide
 28 “counseling and other referral services,” *id.* at 379, while the Plaintiffs here seek to

1 elect Republican candidates and turn out Republican voters, Am. Compl. ¶¶13-20, 23-
 2 26. Like HOME, the Plaintiffs here allege legal violations that “frustrate” those
 3 “efforts” and show a “concrete and demonstrable injury to [their] activities.” *Havens*
 4 *Realty*, 455 U.S. at 379. Like HOME, the Plaintiffs here suffer those injuries “apart
 5 from [their] response” to the Defendants’ legal violations. *Ariz. All.*, 2024 WL 4246721,
 6 at *2. And just as HOME “not only was an issue-advocacy organization, but also
 7 operated a housing counseling service,” *FDA v. All. for Hippocratic Med.*, 602 U.S. 367,
 8 395 (2024), the Plaintiffs here not only advocate for Republican issues, but also work
 9 to elect Republican candidates, provide voter-registration services, and operate get-
 10 out-the-vote initiatives, see Am. Compl. ¶¶14-17. It is *those* activities—not “general
 11 legal, moral, ideological, or policy objection[s]”—that Defendants’ legal violations
 12 frustrate. *All. for Hippocratic Med.*, 602 U.S. at 381.

13 The Secretary suggests that organizations suffer “direct harm” to “core
 14 activities” only when they challenge “a law that regulates their activities.” Mot. 3-4.
 15 *Havens* itself disproves that theory. HOME did not challenge a law that directly
 16 applied to HOME as an organization. It challenged an illegal practice that had the
 17 effect of “interfer[ing] with HOME’s core business activities.” *All. for Hippocratic Med.*,
 18 602 U.S. at 395. *Arizona Alliance* explained that the defendant “had perceptibly
 19 impaired HOME’s core and ongoing ability to provide counseling and referral
 20 services.” 2024 WL 4246721, at *10. That’s exactly what Plaintiffs allege here. The
 21 NVRA requires Defendants to maintain accurate voter rolls. It requires them to make
 22 that information publicly available. And it gives private citizens and organizations a
 23 right to sue for violations of those duties, a decision to which this Court “must afford
 24 due respect.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021). Political
 25 committees are among those who rely most on accurate voter rolls for their day-to-day
 26 activities—and suffer injury when States fail to abide by the NVRA’s requirements.
 27 This injury to Plaintiffs’ core activities is just as direct as HOME’s injury when it too
 28 received inaccurate information that impeded its activities.

1 The Secretary next reads *Arizona Alliance* to mandate that Plaintiffs’ lack
 2 standing because they “can continue to engage in core activities” even if they must
 3 “dedicate additional resources” to be similarly effective. Mot. 3. *Havens* disproves that
 4 argument, too. The inaccurate information in *Havens* did not bar HOME from
 5 providing counseling and referral services. *Arizona Alliance* noted that it was enough
 6 that HOME’s activities were “perceptibly impaired.” 2024 WL 4246721, at *10
 7 (cleaned up). That injury was no less real or direct because HOME could “devote
 8 significant resources to identify and counteract” the false information. *Id.* at *6
 9 (cleaned up). The problem in *Arizona Alliance* was that the plaintiff group argued only
 10 that it would have to “spend resources on education” to address “far-fetched
 11 possibility” that a new law would be misapplied. *Id.* at 11. But as explained, Plaintiffs
 12 have suffered the same kind of direct injury at issue in HOME—inaccurate
 13 information that impairs their ability to engage in their core activities of turning out
 14 Republican voters and election Republican candidates.

15 The Secretary argues that there’s a difference between a nonprofit’s “core
 16 business” and its “mission.” Mot. 2. But pleading a concrete injury is not a magic-
 17 words test. When the Ninth Circuit distinguishes a “business” from a “mission,” it’s
 18 clarifying that what matters is “the organization’s ‘core’ activities, not merely its
 19 ‘abstract social interests.’” *Arizona All.*, 2024 WL 4246721, at *8. So while harm to an
 20 abstract mission like “maintaining clean voter rolls,” “preserving honest elections,” or
 21 “promoting Republican values” might not be sufficient for standing, the Plaintiffs rely
 22 on harm to their core activities, not just “abstract political and societal goals.” *Id.* at
 23 *4. HOME, after all, “would not have had standing” if the legal violations “only
 24 affected its ‘public advocacy’ and ‘public education’ functions.” *Id.* at *8. Rather, “the
 25 injury depended on HOME’s counseling services,” *id.*, just as the injury here depends
 26 on the Plaintiffs’ voter-registration services and voter-turnout activities, *see* Am.
 27 Compl. ¶¶14-17.

28 Finally, the Secretary emphasizes that “HOME had received intentionally false

1 information.” Mot. 3. But the existence of an injury does not turn on the Defendants’
2 intent. The holding of *Havens* is not that organizations suffer injury only from
3 “intentionally false information,” Mot. 3, but that organizations suffer injury if they
4 can “show that a challenged governmental action directly injures the organization’s
5 pre-existing core activities and does so apart from the plaintiffs’ response to that
6 governmental action.” *Ariz. All. for Retired Ams.*, 2024 WL 4246721, at *2. Plaintiffs
7 have alleged as much here: willful or negligent, the Defendants’ NVRA violations
8 frustrate the Plaintiffs’ efforts to turn out Republican voters and elect Republican
9 candidates.

10 Any lingering doubt about standing should be resolved in Plaintiffs’ favor at
11 this stage. *Arizona Alliance* was decided on a preliminary injunction motion in which
12 the plaintiffs were required to “make a ‘clear showing’ for each of these three
13 [standing] requirements.” *Id.* at *3 (citation omitted). But at the pleading stage, all
14 inference about Plaintiffs’ injuries—including any “necessary” inferences about “the
15 chain of causation”—must be drawn in Plaintiffs’ favor. *Id.* at *8.

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Respectfully submitted,

2 /s/ Gilbert C. Dickey

3 Thomas R. McCarthy*
4 VA Bar No. 47145
Gilbert C. Dickey*
5 VA Bar No. 98858
Conor D. Woodfin*
6 VA Bar No. 98937
CONSOVOY MCCARTHY PLLC
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7 Arlington, VA 22209
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8 tom@consovoymccarthy.com
gilbert@consovoymccarthy.com
9 conor@consovoymccarthy.com

Jeffrey F. Barr
NV Bar No. 7269
ASHCRAFT & BARR LLP
8275 South Eastern Avenue
Suite 200
Las Vegas, NV 89123
(702) 631-4755
barrj@ashcraftbarr.com

*Counsel for the Republican
National Committee and Scott
Johnston*

10 /s/ Sigal Chattah

11 *admitted pro hac vice

12 *Counsel for Plaintiffs*

Sigal Chattah
NV Bar No. 8264
CHATTAH LAW GROUP
5875 S. Rainbow Blvd #204
Las Vegas, NV 89118
(702) 360-6200
sigal@thegoodlawyerlv.com

*Counsel for the Nevada
Republican Party*